

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 5, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator McKague, absent and formally excused by the Chair; and Senators Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, LeFavour, Lodge, Mortimer, Schroeder, Siddoway, Stegner, and Acting Senator Kerby, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Corin Ravsten, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 4, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Stegner was recorded present at this order of business.

The President announced that the Oath of Office had previously been administered to Acting Senator Kerby.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 5, 2010

The JUDICIARY AND RULES Committee reports that [S 1397](#), [S 1398](#), and [S 1399](#) have been correctly printed.

DARRINGTON, Chairman

[S 1397](#) was referred to the Transportation Committee.

[S 1398](#) and [S 1399](#) were referred to the Judiciary and Rules Committee.

March 4, 2010

The JUDICIARY AND RULES Committee reports that [S 1340](#), as amended, [S 1352](#), as amended, [S 1365](#), as amended, and [S 1378](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1340](#), as amended, [S 1352](#), as amended, [S 1365](#), as amended, and [S 1378](#), as amended, were filed for first reading.

March 4, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1340](#), [S 1352](#), [S 1365](#), and [S 1378](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 4, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 456](#) with the recommendation that it do pass.

CORDER, Chairman

[H 456](#) was filed for second reading.

March 4, 2010

The AGRICULTURAL AFFAIRS Committee reports out [S 1345](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [S 1345](#) was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 458](#), [H 478](#), [H 510](#), and [H 525](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 458](#), [H 478](#), [H 510](#), and [H 525](#) were filed for second reading.

March 4, 2010

The FINANCE Committee reports out [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) were filed for second reading.

March 4, 2010

The TRANSPORTATION Committee reports out [S 1349](#), [S 1351](#), and [S 1389](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1349](#), [S 1351](#), and [S 1389](#) were filed for second reading.

March 4, 2010

The TRANSPORTATION Committee reports out [S 1348](#), [S 1350](#), and [S 1361](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

MC GEE, Chairman

There being no objection, [S 1348](#), [S 1350](#), and [S 1361](#) were referred to the Fourteenth Order of Business, General Calendar.

March 4, 2010

The EDUCATION Committee reports out [H 400](#) and [H 545](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [H 400](#) and [H 545](#) were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 4, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1256](#), [S 1257](#), and [S 1297](#)

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 4, 2010

Dear Mr. President:

I transmit herewith [H 533](#), [H 538](#), [H 405](#), as amended, [H 523](#), as amended, [H 495](#), as amended, [H 535](#), as amended, [H 480](#), as amended, [H 558](#), as amended, [H 531](#), as amended, [H 566](#), [H 431](#), [H 474](#), [H 476](#), [H 529](#), [H 553](#), [HCR 48](#), [HCR 49](#), [H 424](#), [HCR 50](#), [HCR 52](#), [HCR 53](#), [HCR 54](#), [HCR 57](#), and [HCR 44](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 533](#), [H 538](#), [H 405](#), as amended, [H 523](#), as amended, [H 495](#), as amended, [H 535](#), as amended, [H 480](#), as amended, [H 558](#), as amended, [H 531](#), as amended, [H 566](#), [H 431](#), [H 474](#), [H 476](#), [H 529](#), [H 553](#), [HCR 48](#), [HCR 49](#), [H 424](#), [HCR 50](#),

[HCR 52](#), [HCR 53](#), [HCR 54](#), [HCR 57](#), and [HCR 44](#) were filed for first reading.

March 4, 2010

Dear Mr. President:

I return herewith Enrolled [S 1267](#), [S 1287](#), and [S 1308](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1267](#), [S 1287](#), and [S 1308](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Andreason, Bilyeu, Broadsword, Cameron, Lodge, and Schroeder were recorded present at this order of business.

[S 1340](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1352](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[S 1365](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

[S 1378](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 533](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 538](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 405](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 523](#), as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 495](#), as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 535](#), as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 480](#), as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 558](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 531](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 566](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 431](#), [H 474](#), [H 476](#), [H 529](#), [H 553](#), and [H 424](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HCR 48](#), by State Affairs Committee, was introduced, read at length, and referred to the Education Committee.

[HCR 49](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[HCR 50](#), by State Affairs Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

[HCR 52](#), [HCR 53](#), and [HCR 54](#), by Ways and Means Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

[HCR 57](#), by State Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

[HCR 44](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

Senators Bair, LeFavour, Mortimer, and Siddoway were recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Brackett, Hammond, and Acting Senator Kerby were recorded present at this order of business.

[S 1355](#) and [S 1343](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[H 416](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 514](#), by Local Government Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 516](#), by Local Government Committee, was read the second time at length and filed for third reading.

[S 1388](#), by Finance Committee, was read the second time at length and filed for third reading.

On request by Senator Goedde, granted by unanimous consent, [S 1364](#) was recommitted to the Education Committee.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, [S 1344](#) retained its place on the Third Reading Calendar for one legislative day.

On request by Senator McGee, granted by unanimous consent, [S 1357](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1305](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Cameron, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1305](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1366](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1366](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1376](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1376](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

[S 1359](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1359](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:35 a.m. until the hour of 10:30 a.m., Monday, March 8, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary